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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,922	12/17/2001	Philip C. Jackson JR.	014208.1447 (50-01-006)	2564
5073	7590	07/01/2005	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			PARDO, THUY N	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/022,922

Applicant(s)

JACKSON ET AL.

Examiner

Thuy Pardo

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14, 16-22, 24-29 and 31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6, 8-14, 16-22, 24-29 and 31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's Amendment filed on April 05, 2005 in response to Examiner's Office Action has been reviewed.

2. Claims 1-6, 8-14, 16-22, 24-29, and 31 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-14, 16-22, 24-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (Hereinafter "Gupta") US Patent No. 6,438,562 as applied to claims 1-6, 8-14, 16-22, 24-29, and 31 above, and further in view of Logue et al. (Hereinafter "Logue") US Patent No. 6,330,606.

As to claim 1, Gupta teaches a method for processing a request using one or more database units coupled to a network [fig. 1 and 8A], comprising:

Art Unit: 2165

receiving a request for a record [a query is performed using the global index, col. 21, lines ; 1340 of fig. 13];

communicating the request one or more nodes [1340-1380 of fig. 13; fig. 11], wherein one more the nodes operable to provide an interface between one more associated database units and a network [fig. 1], and wherein one or more of the nodes is operable communicate with each other [nodes 111, 112, 113, and 114 communicate with each other through network 140, fig. 1; fig. 7];

identifying one more target database units that store the record [records need to be updated in nodes 11, 112, and 113, see fig. 11];

accessing the record, which stored in one or more the target database units [determining the number N of nodes available for updating a global index, 832 of fig. 8B];

processing the request based on the record that is stored one or more target database units such that a response to the request is generated [1010 of fig. 10]; and

returning the response the request that based on record, which is stored one or more of the target database units [see fig. 11].

However, Gupta does not explicitly teach that the central server is operable to identify one or more of the target database units, the central server comprising information indicating a location of the record that is included within one or more of the database units. Logue teaches that the central server is operable to identify one or more of the target database units, the central server comprising information indicating a location of the record that is included within one or more of the database units [based on the URL of the request, choose the appropriate proxy server, 1020 of fig. 10; ab; col. 5, lines 17-29; fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Logue to Gupta's system as an essential means to increase the search speed and reduce cache storage space and slow responses to heavy communications traffic in the communications network.

As to claim 2, Gupta and Logue teach the invention substantially as claimed. Gupta further teaches using hashing algorithm identify location the record within one more of the target database units [col. 15, lines 27-65].

As to claim 3, Gupta and Logue teach the invention substantially as claimed. Gupta further teaches querying one or more nodes for data relating to an age characteristic associated with the record [1360 of fig. 13].

As to claim 4, Gupta and Logue teach the invention substantially as claimed. Gupta further teaches providing an index least one of nodes, the index comprising information associated with locations one more records, wherein one or more of the nodes may access the index to identify one or more the target database units that store the record [fig. 11; col. 20, lines 53-65].

As to claim 5, Gupta and Logue teach the invention substantially as claimed. Gupta further teaches performing an operation the record that facilitates generation the response, each the nodes being operable to perform the operation and the operation being selected from the

Art Unit: 2165

group consisting of modifying [updating, ab]; deleting [col. 13, lines 26-45]; copying and printing [inherent in the system]; and structured query language (SQL) commands [1340 of fig. 13].

As to claim 6, Gupta and Logue teach the invention substantially as claimed. Gupta further teaches communicating an updated record after operation is performed on record one more of the target database units [fig. 11].

As to claim 8, Gupta and Logue teach the invention substantially as claimed. Gupta further teaches coupling one or more web servers to one more of the nodes, the web servers facilitating communications between the network and one more of the database units [fig. 1, 4].

As to claims 9-14, 16-22, 24-29, and 31, all limitations of these claims have been addressed in the analysis of claims 1-8 and 8 above, and these claims are rejected on that basis.

### ***Response to Arguments***

6. Applicant argues that the combination of Gupta and Logue would be improper.

As to point this, Examiner respectfully disagrees. Examiner believes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958

Art Unit: 2165

F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Gupta teaches locating row in index update distribution table with same index ID and range that includes Key value and updating the index corresponding to the index ID [see fig. 12B] and Logue enhance the Gupta's system by enabling the proxy performs a hash function on the URL that maps the URL to exactly one of the plurality of proxy servers [see the abstract].

Applicant's arguments filed on April 05, 2005 have been fully considered but they are not persuasive.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2165

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is 571-272-4082. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at 571-272-4146.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 (Official Communication)

and/or:

571-273-4082 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:



Art Unit: 2165

(703) 308-5359, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

June 22, 2005

A handwritten signature in black ink, appearing to be 'THUY N. PARDO', with a stylized, cursive-like flourish extending from the bottom right.

**THUY N. PARDO**  
**PRIMARY EXAMINER**